

MINUTES

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

HON. MYRON H. THOMPSON, JUDGE AT MONTGOMERY ALABAMA

DATE COMMENCED October 12, 2006 AT 10:35 A.M./P.M.

DATE COMPLETED October 12, 2006 AT 11:07 A.M./P.M.

UNITED STATES OF AMERICA

Criminal Action
2:06-cr-123-01-MHT

VS.

JOSEPH ANTHONY GUTIERREZ

<u>PLAINTIFF(S)</u>	<u>APPEARANCES</u>	<u>DEFENDANT(S)</u>
AUSA A. Clark Morris	X X X X X	Atty Kevin L. Butler
<u>COURT OFFICIALS PRESENT:</u>		
Anthony Green, Courtroom Clerk	Tashwanda Pinchback, Law Clerk	Mitchell Reisner, Court Reporter

PROCEEDINGS:

() NONJURY TRIAL
(x) OTHER PROCEEDING: SENTENCING HEARING

10:35 a.m.

Sentencing hearing commenced. Court finds the defendant competent of understanding English language; interpreter NOT required. Defendant's **ORAL MOTION** to modify terms of plea agreement as stated on the record. Parties' heard regarding modification. Probation objects to role reduction. Court's findings that the defendant is not a minor participant. Defendant's **ORAL MOTION** to withdraw motion to modify. **ORAL ORDER** granting motion to withdraw. Defendant orally agrees to the term of the original plea agreement. Court accepts plea agreement. Sentence imposed; **ORAL ORDER** during sentence imposition granting Motion for Downward Departure and Motion for Reduction in Criminal Offense Level.

11:07 a.m. Hearing concluded.